

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SYNERGEN INC.,

Plaintiff,

Case No. 16-cv-11842  
Hon. Matthew F. Leitman

v.

FCA US LLC,

Defendant.

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**ORDER GRANTING (1) DEFENDANT'S MOTION TO ADOPT SPECIAL  
MASTER'S REPORT AND RECOMMENDATION (ECF #86) AND (2)  
PLAINTIFF'S COUNSEL'S AMENDED MOTION FOR WITHDRAWAL  
OF ATTORNEY (ECF #88)**

**I**

On March 28, 2017, the Court entered an Order in which it appointed the Honorable Richard P. Hathaway as a special master for resolving discovery disputes in this action. (*See* ECF #60.) The Order also allowed the parties to object to and seek review of Judge Hathaway's proposed resolutions. (*See id.* at Pg. ID 1163.)

On October 10, 2017, Judge Hathaway filed a Report and Recommendation with the Court in which he resolved certain outstanding discovery disputes between the parties (the "R&R"). (*See* ECF #85.) Defendant FCA US LLC subsequently filed a motion to adopt Judge Hathaway's proposed disposition of those disputes. (*See* ECF #86.) Pursuant to the procedure the Court established in its March 28

Order appointing Judge Hathaway, Plaintiff Synergen Inc. had seven days to file a response to FCA's motion. (*See* ECF #60 at Pg. ID 1163.) Synergen did not file a response or otherwise object to the adoption of Judge Hathaway's recommended disposition. Accordingly, the Court will **GRANT** FCA's unopposed motion and **ADOPT** the proposed disposition of the discovery disputes as described in Judge Hathaway's October 10 R&R.

## II

On October 26, 2017, attorneys Raechel M. Badalamenti, Robert J. Morris, and Salvatore DeBlasi, Kirk, Huth, Lange & Badalamenti, PLC (collectively, the "Movants") moved to withdraw as co-counsel for Synergen due to a breakdown in the attorney-client relationship. (*See* ECF #88.) In that motion, the Movants represented to the Court that neither Synergen nor FCA opposed their withdrawal. (*See id.* at Pg. ID 1843.) In addition, Synergen's co-counsel of record, Kenneth Morgan, has informed the Court that he does not oppose Movants' motion. Accordingly, the Court will **GRANT** Movants' unopposed motion to withdrawal as counsel in this matter.

### III

For the reasons stated above, **IT IS HEREBY ORDERED** as follows:

- FCA's unopposed motion to adopt Judge Hathaway's October 10 R&R (ECF #86) is **GRANTED**, and Judge Hathaway's proposed disposition of the discovery disputes as described in the R&R is **ADOPTED**.
- Raechel M. Badalamenti, Robert J. Morris, and Salvatore DeBlasi, Kirk, Huth, Lange & Badalamenti, PLC's unopposed motion to withdrawal as counsel for Synergen is **GRANTED**. The appearances of those attorneys as counsel of record in this action are **TERMINATED**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 14, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 14, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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